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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,957	01/05/2004	Kenichiro Yano	1767-121	2025
23117	7590	03/08/2006		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER BEHNCKE, CHRISTINE M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,957

Applicant(s)

YANO ET AL.

Examiner

Christine M. Behncke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) 15-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 15-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 12 December 2005, in which claims 1-3 and 9-23 were presented for examination.

Election/Restrictions

2. Newly submitted **claims 15-23** are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally filed claims are drawn to a navigation apparatus, method and recording medium that call for a geographical range of a map data surrounding a predetermined point on a set route to be wider than a geographical range of a map data surrounding another point on the set route. Claims 15-23 are drawn to a navigation apparatus, method and recording medium that interrupts transferring and then transfers set map data after the interrupting or that resets a route based on already transferred map data.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

3. Accordingly, **claims 15-23** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

4. Applicant's arguments, regarding the applied reference Norimoto, filed 12 December 2005 have been fully considered but they are not persuasive. Applicant contends that Norimoto does not disclose a geographical range of the transferred map

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data surrounding a predetermined point on a set route should be wider than the geographical range of the transferred map data surrounding another point on the set route. The Examiner respectfully disagrees. Norimoto discloses transferring two types of map data units, route link map units and adjacent map units. The adjacent map units are specified in the cases where a junction exists in the route link map units. Norimoto teaches that because there is a high probability that the user changes their destination when the vehicle running on a throughway approaches a junction, more map data stored in the data storing means in the pre-reading process (a wider geographical range of transferred map data surrounding a junction point) can help the user around the junction and probably be used to return the user to the route in the case of deviation (Column 4, line 62-Column 5, line 22).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Norimoto, US Patent No. 6,820,001.

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6. **(Claim 1)** Norimoto discloses a navigation apparatus comprising: an acquisition device for acquiring the current position of a moving body (vehicle position detecting unit 325); a registration device for registering a destination (remote controller 4, Column 6, lines 61-63); a reading device in which a portable recording medium (disk unit 1) on which map data is recorded is mounted and which reads at least the map data recorded on the portable recording medium (map data managing unit 31); a setting device for setting a route to the destination based on the acquired current position, the registered destination and the recorded map data (route determining unit 324); a memory device for storing map data used for route guidance for the moving body based on the set route (data buffer 2); and a transfer device for transferring the map data used for route guidance (map data management unit 31), which has a geographical range that includes a road set as the route (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), based on the current position of the moving body and the set route from the portable recording medium to the memory device (Column 8, lines 15-22 and figure 2); wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map data surrounding another point on the set route (a detected junction on the throughway, Column 10, lines 34-45 and Figure 4).

7. **(Claim 9)** Norimoto discloses a navigation map data acquisition method comprising: an acquisition step of acquiring a current position of a moving body (Column 7, lines 15-22); a registration step of registering a destination (Column 7, lines 23-27); a reading step of reading map data recorded on a mounted portable recording

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medium (Column 7, lines 30-36); a setting step for setting a route to the destination based on the acquired current position, the registered destination and the recorded map data (route determining unit 324); and a recording step of transferring map data, which has a geographical range that includes a road set as the route, based on the current position of the moving body and the set route, from the portable recording medium to a memory device (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), and storing the transferred map data in the memory device as map data used for route guidance (Column 7, lines 36-41), wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map surrounding another point on the set route (a detected junction on the throughway, Column 10, lines 34-45 and Figure 4).

8. **(Claim 11)** Norimoto discloses a recording medium on which a map data acquiring program is recorded so as to be read by a computer (control unit 321), the computer included in a navigation apparatus for navigating a moving body (Abstract), the program causing the computer to function as: an acquisition device for acquiring the current position of the moving body (Column 7, lines 15-22); a registration device for registering a destination (Column 7, lines 23-27); a reading device for reading map data recorded on a mounted portable recording medium (map data managing unit 31); and a recording device for transferring map data, which has a geographical range that includes a road set as the route (Column 1, lines 55-63 and Column 8, line 54-Column 9, line 9), based on the current position of the moving body and the set route from the portable recording medium to a memory device (Column 8, lines 15-22 and figure 2),

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and storing the transferred map data in the memory device as map data used for route guidance for the moving body (Column 8, lines 15-22 and figure 2), wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map data surrounding another point on the set route (a detected junction on the throughway, Column 10, lines 34-45 and Figure 4).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama et al., US Patent No. 6,324,471.

10. **(Claim 1)** Katayama et al. discloses a navigation apparatus comprising: an acquisition device for acquiring a current position of a moving body (GPS 18); a registration device for registering a destination (input unit 14, Column 3, lines 56-61); a reading device in which a portable recording medium on which map data is recorded is mounted and which reads at least the map data recorded on the portable recording medium (Column 3, lines 48-55); a setting device for setting a route to the destination based on the acquired current position, the registered destination and the recorded map data (Column 3, lines 36-38); a memory device for storing map data used for route guidance (RAM 16, Column 3, lines 1-15), which has a geographical range that includes

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a road set as the route, based on the current position of the moving body and the set route (Column 4, lines 30-60 and Figure 3), from the portable recording medium to the memory device (Column 4, lines 30-60), wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map data surrounding another point on the set route (predetermined positions P_i is wider than interposition section, Figure 3).

11. **(Claim 9)** Katayama et al. discloses a navigation map data acquisition method comprising: an acquisition step of acquiring a current position of a moving body (Column 3, lines 16-21); a registration step of registering a destination (Column 3, lines 56-61); a reading step of reading map data recorded on a mounted portable recording medium (Column 3, lines 48-55); a setting step for setting a route to the destination based on the acquired current position, the registered destination and the recorded map data (Column 3, lines 36-38); and a recording step of transferring map data, which had a geographical range that included a road set as the route, based on the current position of the moving body and the set route, from the portable recording medium to a memory device (Column 4, lines 30-60 and Figure 3), and storing the transferred map data in the memory device as map data used for route guidance (Column 3, lines 1-15); wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map data surrounding another point on the set route (predetermined positions P_i is wider than interposition section, Figure 3).

12. **(Claim 11)** Katayama et al. discloses a recording medium on which a map data acquiring program is recorded so as to be read by a computer (CPU 13), the computer included in a navigation apparatus for navigating a moving body (GPS 18), the program causing the computer to function as: an acquisition device for acquiring the current position of the moving body (Column 3, lines 16-21); a registration device for registering a destination (Column 3, lines 56-61); a reading device for reading map data recorded on a mounted portable recording medium (interface circuit 19, Column 3, lines 48-55); and a recording device for transferring map data, which has a geographical range that includes a road set as the route (Column 4, lines 30-60 and Figure 3), based on the current position of the moving body and the set route from the portable recording medium to a memory device (Column 4, lines 30-60), and storing the transferred map data in the memory device as map data used for route guidance for the moving body (RAM 16, Column 3, lines 1-15), wherein the geographical range of the map data surrounding a predetermined point on the set route is wider than the geographical range of the map data surrounding another point on the set route (predetermined positions P_i is wider than interposition section, Figure 3).

13. **(Claims 2, 10 and 12)** Katayama et al. further discloses wherein the geographical range of the map data surrounding the destination on the set route is wider than the geographical range of the map data surrounding the other point on the set route (Figure 3, destination is marked by P_n , other point is marked as the interposition section).

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14. (Claims 3, 13 and 14) Katayama et al. further discloses wherein the geographical range of the map data surrounding the destination on the set route and of the current position of the moving body when the route is set wider than the geographical range of the map data surrounding the other point on the set route (Figure 3, destination is marked by P_n , starting position is marked by P_1 , other point is marked as the interposition section).

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571)

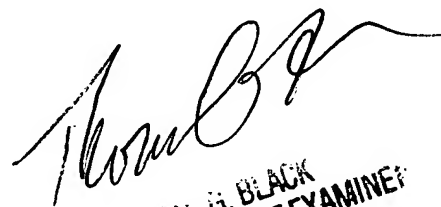
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272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

02-27-2006


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